

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAWN SHETTERLY, et. al.)	
)	
Plaintiffs,)	
)	
v.)	Civil Action 02-862
)	
SONY ELECTRONICS, INC.,)	
)	
Defendant.)	

ORDER

Pending before the court are the motions for summary judgment filed by Defendant Sony Electronics, Inc. (“defendant”) against plaintiff’s Wilbert Roth (“Roth”) and Ranelle J. Walters (“Walters”) (Doc. No. 102) and plaintiff Martin A. Switzer (“Switzer”) (collectively referred to as “plaintiffs”) (Doc. No. 105). Based upon the concessions in plaintiffs’ brief in opposition (Doc. No. 117), the court will grant defendant’s motion for summary judgment in its entirety with prejudice as to plaintiff Walters and without prejudice as to plaintiffs Roth and Switzer to file an amended complaint if a compensable injury develops in the future. See Quate v. American Standard, Inc., 818 A.2d 510, 514 (Pennsylvania Superior Court upheld entry of summary judgment and dismissal of the plaintiff’s complaint without prejudice where the plaintiff, who was suffering from multiple ailments including asbestosis, could not establish a causal link between his symptoms and asbestos exposure).

AND NOW this 24th day of August 2005, after consideration of the motions filed by defendant and the response filed by plaintiffs, the court enters the following order:

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant’s motions for

summary judgment (Docs. No. 102 and 105) are **GRANTED** and **JUDGMENT IS ENTERED** in favor of Defendant Sony Electronics, Inc., and against Plaintiffs Wilbert Roth, Ranelle J. Walters, and Martin A. Switzer on all claims asserted by plaintiffs in their complaint. Plaintiffs' complaint shall be dismissed without prejudice with respect to plaintiffs Roth and Switzer.

By the court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: David J. Burton
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